

District Judges.

District No. 14, Hon. W. M. Taylor of Dallas County to succeed Judge Foree, deceased.

District No. 31, Hon. A. S. Mauzey of Sweetwater, to succeed Judge Ewing, deceased.

District No. 92, Hon. R. M. Bounds of McAllen.

District No. 96, Hon. Marvin H. Brown of Fort Worth, to succeed Judge H. S. Lattimore, resigned.

District Attorney.

Hon. John E. Taylor of Longview.

**Board of Regents
State Teachers College.**

Dr. Webb Walker of Fort Worth, to succeed Hon. F. A. Martin, deceased.

State Board of Optometry.

Dr. Duke W. Pittman of Mexia.

Board of Regents of College of Arts and Industries, Kingsville.

Hon. Robert Lee Bobbitt of Laredo, to succeed Hon. R. M. Kleberg, resigned.

State Board of Dental Examiners.

Dr. W. T. Stewart of Waco, to succeed Hon. G. H. Mengel, deceased.

Kings State Park Commissioners.

J. T. Vance, Refugio.

John O'Brien, Refugio.

Mrs. Josephine Mitchell, Refugio.

Pilot Commission—Port of Freeport.

C. J. Rogan, Freeport.

Percy Beacroft, Freeport.

C. E. Watson, Freeport.

E. C. Tobey, Freeport.

Chas. Skinner, Velasco.

State Board of Control.

Hon. John F. Wallace of Teague, succeeding Mr. Roy I. Tennant as member for the next ensuing statutory term.

State Fire Insurance Commissioner.

Hon. Raymond Mauk of Dallas, succeeding Mr. J. W. DeWeese as Fire Insurance Commissioner for the next ensuing statutory term.

Board of Barber Examiners.

Hon. E. T. Jenkins of Fort Worth, succeeding Mr. Robinson of Dallas, for the next ensuing statutory term.

Advisory Civil Judicial Council.

Hon. Alonzo Wasson of Dallas, to succeed Mr. Harry B. Crozier, resigned.

State Board of Medical Examiners.

Dr. J. Allen Kyle of Houston.

State Commission for the Blind.

Hon. James A. Boddeker, of Galveston, 3 year term.

Hon. E. M. Mayer of Dallas, 1 year term.

Dr. Randolph Haynes of Austin, 2 year term.

And Notaries Public.

Adjournment.

On motion of Senator Patton, the Senate, at 11:20 o'clock a. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.**Committee on Engrossed Bills.****Committee Room.**

Austin, Texas, Aug. 31, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 3 carefully examined and compared, and find the same correctly engrossed.

HARDIN, Chairman.

THIRD DAY.**Senate Chamber,**

Austin, Texas,

September 1, 1932.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem J. J. Loy.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.
Berkeley.
Cousins.

Cunningham.
DeBerry.
Gainer.

Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.
Martin.	Small.
Moore.	Stevenson.
Neal.	Thomason.
Oneal.	Woodul.
Parr.	Woodward.
Parrish.	Williamson.
Patton.	Woodruff.

Absent—Excused.

Greer.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Holbrook and Patton:
S. B. No. 11, A bill to be entitled "An Act providing relief for the West Columbia Independent School District, Brazoria County, Texas, in order to aid said school district in rebuilding its property and equipment destroyed by the great hurricane which swept over the district on August 13, 1932; making an appropriation to said district for said purpose and declaring an emergency."

Read and referred to Committee on Finance.

By Senators Holbrook and Patton:
S. B. No. 12, A bill to be entitled "An Act providing relief for the Brazoria Independent School District of Brazoria County, Texas, in order to aid said school district in rebuilding and repairing its schools destroyed by the hurricane which covered the territory in which this district is located on August 13, 1932; making an appropriation to aid said district for said purpose and declaring an emergency."

Read and referred to Committee on Finance.

H. C. R. No. 1.

The Chair laid before the Senate the following resolution:

H. C. R. No. 1, Relating to mileage and per diem of members of the Legislature.

The resolution was read.

Senator Poage sent up the following amendment:

Amend H. C. R. No. 1 by striking out the figures \$10.00 wherever they occur and by inserting in lieu thereof the following \$8.00.

POAGE,
DeBERRY.

Read and adopted by the following vote:

Yeas—13.

Berkeley.	Neal.
Cousins.	Oneal.
DeBerry.	Poage.
Hardin.	Purl.
Holbrook.	Rawlings.
Hornsby.	Woodward.
Martin.	

Nays—9.

Gainer.	Patton.
Loy.	Small.
Moore.	Thomason.
Parr.	Woodul.
Parrish.	

Absent.

Cunningham.	Stevenson.
Hopkins.	Williamson.
Pollard.	Woodruff.
Russek.	

Absent—Excused.

Beck.	Greer.
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The resolution as amended was adopted by the following vote:

Yeas—13.

Berkeley.	Neal.
Cousins.	Oneal.
DeBerry.	Poage.
Holbrook.	Purl.
Hornsby.	Rawlings.
Loy.	Woodward.
Martin.	

Nays—8.

Gainer.	Parrish.
Hardin.	Patton.
Moore.	Small.
Parr.	Thomason.

Absent.

Cunningham.	Stevenson.
Hopkins.	Williamson.
Pollard.	Woodruff.
Russek.	Woodul.

Absent—Excused.

Beck.	Greer.
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Message From the Governor.

Executive Office,
September 1, 1932.

To the Members of the Forty-second Legislature:

By reason of the fact that a great hurricane swept Brazoria County on August 13, 1932, and destroyed property values in excess of a million dollars and practically wiped out the school buildings in the West Columbia Independent School District at West Columbia, Texas, and the Brazoria Independent School District at Brazoria, Texas, and on account of the inability of the people to repair and reconstruct said buildings, and on account of the districts being unable to further bond themselves, and on account of the approaching school terms being in the immediate present, creates an emergency, and by reason of said calamity and by precedent heretofore established, it seems proper that the State should aid in the repair and reconstruction of said buildings.

The bills hereto attached on these subjects are submitted for your consideration.

Respectfully submitted,
R. S. STERLING,
Governor.

Senate Simple Resolution No. 4.

Senator Woodward sent up the following resolution:

Whereas, In both the first and second primary elections of the Democratic Party held in Texas for the year 1932 for the first time in the history of our election laws, in a large number of counties, a greater number of votes were cast than the number of qualified voters in the county as shown by the poll tax list; and

Whereas, Widespread charges of illegal voting and fraud in casting and counting ballots in said primary elections have been made by friends

and supporters of the candidates for Governor in said primaries; and,

Whereas, It is highly important that the Legislature of Texas should be fully advised of the facts, so that it may be enabled to enact legislation necessary to adequately safeguard the ballot and protect our elections against fraud; now therefore

Be it resolved by the State Senate of Texas:

There is hereby created a special committee of the Senate to be composed of nine members of the Senate, to be named by the Lieutenant Governor, for the purpose of investigating all charges of illegal voting in either the first or second primary election of the Democratic Party held in Texas during the year 1932, and the fraudulent and unlawful casting and counting of ballots in said primary elections, and all mistakes or errors in counting and casting and returning the votes in said primary elections.

Said committee shall be known as the Senate Primary Election Investigating Committee and it shall possess and exercise the powers of a District Court to summon and examine witnesses under oath and compel their attendance and to report all disobedience of its rules, orders and proceedings to the Senate so that it may take steps to punish for contempt; and it shall have the power to open and unseal ballot boxes for any county in Texas or any precinct therein, used at either of said primary elections, and to examine the contents, and to order and require the custodian of such ballot boxes to bring the same, together with any and all records of either of said primary elections, before said committee, or any member thereof, or any authorized representative, at any time or place, for the purpose of such examination. After such examination such ballot boxes shall be sealed and delivered to the County Clerk.

Said committee shall be and is hereby authorized to employ such agents and employees as may be necessary for the efficient and proper discharge of its duties and to fix the reasonable compensation thereof and to pay witnesses the mileage and per

diem allowed for attendance upon district courts.

Said committee may act as a whole, a majority of its members constituting a quorum, or, by its direction, all the powers and duties conferred upon the committee may be exercised by any member thereof.

Said committee may sit, or authorize any of its members to sit, for the performance of its duties, at such place or places as it shall deem advisable.

All the expenses of the work of said committee, including the traveling and subsistence expenses of the members and its attorneys, agents and employees and all other expenses reasonably necessary to the performance of the duties imposed upon the committee, shall be paid out of the contingent expense fund of the Senate upon warrants drawn by the chairman or vice chairman of the committee upon his order.

Said committee is hereby directed to report its findings to the Senate of the Forty-third Legislature when it shall assemble in Regular Session, accompanied by its recommendation as to the legislation necessary, if any, in the opinion of the committee, in the form of the proper bill or bills, to fully and adequately safeguard primary elections in this State against fraudulent and illegal voting and against fraud and error and mistake in counting the votes in primary elections and general elections, and generally to guarantee, as nearly as may be, the honesty and integrity, as well as the freedom of the ballot in party primary elections in this State.

The Attorney General of Texas is hereby requested and directed to assist said committee in the furtherance of its duties as herein contemplated and to that end shall advise, assist and furnish such assistant or assistants as may be necessary under the direction of said committee.

WOODWARD,
HOLBROOK,
WOODUL,
PURL.

The resolution was read.

Senator DeBerry moved to refer the resolution to the Committee on State Affairs.

Recess.

On motion of Senator Woodul, the Senate, at 11:57 o'clock a. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem J. J. Loy.

Senate Simple Resolution No. 4.

The question recurred upon the motion to refer S. R. No. 4 to the Committee on State Affairs.

Senator Parr raised the point of order that this resolution was out of order because matters of this kind should be handled by the courts already created and not by the Senate.

The Chair, President Pro Tem J. J. Loy, overruled the point of order.

Senator Martin raised the point of order that the resolution was not within the Governor's call.

The Chair, President Pro Tem J. J. Loy, overruled the point of order.

Senator Martin raised the point of order that this resolution was out of order because it was an attempt to repeal the present election law by resolution and that a statute could not be amended or repealed by resolution.

The Chair, President Pro Tem J. J. Loy, overruled the point of order.

Senator Woodward moved to table the motion to refer. The motion was lost by the following vote:

Yeas—13.

Beck.	Stevenson.
Berkeley.	Thomason.
Gainer.	Williamson.
Holbrook.	Woodruff.
Moore.	Woodul.
Oneal.	Woodward.
Small.	

Nays—13.

Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Hardin.	Poage.
Hornsby.	Purl.
Martin.	Rawlings.
Neal.	

Present—Not Voting.

Loy.

Absent.

Greer.

Absent—Excused.

Hopkins.
Pollard.

Russek.

REASON FOR VOTE

I vote "No" and want to send the resolution to a committee, hoping to have this investigation delayed until the county convention, State convention, and executive committee meet. And after the State convention meets, if the fraud charges are not cleared up I will vote to investigate the election.

COUSINS.

The motion to refer the resolution to the Committee on State Affairs prevailed by the following vote:

Yeas—14.

Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Hardin.	Poage.
Hornsby.	Purl.
Martin.	Rawlings.

Nays—12.

Beck.	Stevenson.
Gainer.	Thomason.
Holbrook.	Williamson.
Moore.	Woodruff.
Oneal.	Woodul.
Small.	Woodward.

Present—Not Voting.

Loy.

Absent.

Hopkins.
Pollard.

Russek.

Absent—Excused.

Greer.

REASONS FOR NOT VOTING.

My reason for not voting on Senate Simple Resolution No. 5, I was in the Chair acting as President of the Senate, or presiding officer.

LOY.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 1, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 1, A bill to be entitled "An Act making an appropriation of the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, out of the general revenue, to pay the per diem and mileage of members, the per diem of officers and employees and the contingent expenses of the Third Called Session of the Forty-second Legislature of the State of Texas convened on the 30th day of August, 1932, by proclamation of the Governor; to supplement the like appropriation of the Regular Session, First and Second Called Sessions of said Legislature; to pay any unpaid vouchers or warrants held by members, officers or employees of the Regular Session, First and Second Called Sessions of said Legislature; to pay any unpaid claims and accounts of members, officers or employees of said sessions or of other persons, authorized either by the Senate or the House of Representatives; to pay any and all sums for whatever purpose authorized to be expended by concurrent resolution of the Forty-second Legislature at its Regular Session, First and Second Called Sessions; to pay the per diem of members, officers or employees for pre-session and post-session work of the Third Called Session of said Forty-second Legislature; providing how accounts may be approved and audited, and declaring an emergency."

That the House has passed the following resolution:

H. J. R. No. 1, Ratifying an amendment to the Constitution of the United States of America passed by the Seventy-second Congress of the United States of America at its First Session, begun and held at the city of Washington on Monday, the 7th day of December, 1931, which amendment, in substance, provides and fixes the commencement of the terms of President and Vice-President and members of Congress and fixes the time of the assembling of

Congress, and that said amendment shall take effect on the 15th day of October following its ratification; and providing further that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within seven years from the date of submission to the states by Congress.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

S. C. R. No. 4.

Senator Holbrook sent up the following resolution:

Whereas, On August 13, 1932, a hurricane of great intensity and force swept the entire borders of Fort Bend, Wharton, and Brazoria counties; and,

Whereas, It has become necessary for the Red Cross, National Guard and other organizations to engage in relief work in said territory and to give said relief it is necessary to have trucks and automobiles to transport supplies to various points in said counties.

Whereas, the State Highway Department has several such trucks and automobiles in said district which are not in immediate use and which would be of value in transporting said supplies.

Therefore, Be It Resolved, by the Senate, the House of Representatives concurring, that the State Highway Department be ordered and instructed to loan one of its trucks and one of its automobiles to Major D. S. Wood of the National Guard in charge of relief operations in the hurricane area for said counties. Said trucks to be used as long as necessary to relieve the intense need.

HOLBROOK.

Read and adopted.

Bills Referred.

H. J. R. No. 1 referred to Committee on Constitutional Amendments.

H. B. No. 1 referred to Committee on Finance.

S. J. R. No. 1.

The Chair laid before the Senate on its second reading the following resolution:

By Senator Hornsby:

S. J. R. No. 1, A joint resolution "Ratifying an amendment to the Constitution of the United States of America passed by the Seventy-second Congress of the United States of America, at its First Session, which amendment fixes the commencement of the terms of President and Vice-President and members of Congress and fixing the time of the assembling of Congress and providing that this article shall be inoperative unless it shall have been ratified as an amendment to the Constitution within seven years from the date of its submission to the states by Congress."

The resolution was read second time and passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and S. J. R. No. 1 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Greer.	Pollard.
Hopkins.	

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hornsby.	Purl.
Loy.	Rawlings.
Martin.	Russek.

Small. Woodruff.
Stevenson. Woodul.
Thomason. Woodward.
Williamson.

Absent—Excused.

Greer. Hopkins.

Senate Bill No. 3.

The Chair laid before the Senate on its second reading the following bill:

By Senator Rawlings:

S. B. No. 3, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all State, county, special school district, road district, levee improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, delinquent up to and including October 20, 1932, providing said taxes are paid on or before January 31, 1933, declaring a State policy and the existence of a public calamity, suspending all laws and parts of laws in conflict herewith, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended.

The committee report that the bill be not printed was adopted.

The committee substitute was adopted.

Read second time.

Senator Parrish sent up the following amendment:

Amend Senate Bill No. 3 by striking out the word and figures "December 31, 1932" wherever they appear in the bill, and by inserting in lieu thereof the word and figures "December 31, 1933"; and amend the caption of the bill to conform therewith.

PARRISH.

The amendment was read.

Senator Rawlings moved to table the amendment. The motion prevailed by the following vote:

Yeas—22.

Berkeley. Holbrook.
Cousins. Hornsby.
DeBerry. Loy.
Gainer. Martin.
Hardin. Moore.

Neal. Rawlings.
Oneal. Small.
Parr. Stevenson.
Patton. Thomason.
Poage. Williamson.
Purl. Woodul.

Nays—3.

Cunningham. Woodruff.
Parrish.

Absent.

Hopkins. Woodward.
Russek.

Absent—Excused.

Beck. Pollard.
Greer.

Senator DeBerry sent up the following amendment:

Amend Committee Substitute to S. B. No. 3 by striking out the words and figures "December 31, 1932," and insert the following words and figures: "January 31, 1933." Amend caption to conform with body of bill.

DeBERRY.

The amendment was read.

On motion of Senator Purl, the previous question was ordered on the amendment and further consideration of the bill.

The amendment was lost by the following vote:

Yeas—8.

DeBerry. Patton.
Hardin. Rawlings.
Neal. Stevenson.
Parrish. Woodruff.

Nays—17.

Berkeley. Parr.
Cousins. Poage.
Cunningham. Purl.
Gainer. Small.
Holbrook. Thomason.
Hornsby. Williamson.
Martin. Woodul.
Moore. Woodward.
Oneal.

Present—Not Voting.

Loy.

Absent.

Hopkins. Russek.

Absent—Excused.

Beck. Pollard.
Greer.

The bill as substituted was passed to engrossment.

On motion of Senator Rawlings the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 3 was put on its third reading and final passage by the following vote:

Yeas—26.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Hopkins. Russek.

Absent—Excused.

Beck. Pollard.
Greer.

Read third time and finally passed by the following vote:

Yeas—26.

Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Hopkins. Russek.

Absent—Excused.

Beck. Pollard.
Greer.

Adjournment.

On motion of Senator Moore, the Senate, at 5:29 o'clock p. m., adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

(Telegram.)

Amarillo, Texas, Sept. 1, 1932.

Hon. Edgar Witt, Lieutenant Governor of Texas, Austin, Texas.

The County Judges and Commissioners Association of West Texas in regular semi-annual convention, desires to state that we have cut county expenditures to the minimum and we are anxiously awaiting enactment of a law permitting state assumption of county highway bonds as the only material tax reduction measure which will help the people at once.

We commend the Governor for his foresight and attitude in this matter and express our Legislature trusting that cooperation will prompt a speedy and carefully framed law for the courts to follow on September 12 in setting their tax levies. As representatives of our local people we plead for this relief by September 12.

Request that this telegram be read by the Governor and in the House and Senate and that same be accepted in the spirit of the confidence and appreciation with which it is sent.

(Unanimously adopted.)

TOM K. EPLEN,
President of the Association.

Committee Reports.

Committee Room,
Austin, Texas, Aug. 31, 1932.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 1, A bill to be entitled "An Act amending Article 517 of the Revised Civil Statutes of the State of Texas as set out in the Acts of 1927, Fortieth Legislature, regulating the pledging of securities by State banking corporations and permitting them to pledge such securities to the Reconstruction Finance Corporation."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as substituted and be printed in the Journal.

RUSSEK, Chairman.

C. S. S. B. No. 1.

A BILL

To Be Entitled

An Act amending Article 517 of the Revised Civil Statutes of the State of Texas as set out in the Acts of 1927, Fortieth Legislature, regulating the pledging of securities by State banking corporations and permitting them to pledge such securities to the Reconstruction Finance Corporation.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 517 of the Revised Civil Statutes of the State of Texas, as set out in the Acts of 1927, Fortieth Legislature, be and the same is hereby amended so as to read as follows:

"Article 517. Pledge of securities. —It shall be unlawful for any bank or bank and trust company to hypothecate or pledge as collateral its securities to an amount greater than fifty per cent in excess of the amount borrowed upon bills payable, certificates of deposit or otherwise, or for any banking corporation to issue and execute any notes, bills or other evidences of indebtedness secured, or to be secured by the pledge or hypothecation of any of its securities, which shall not contain a provision that in the event such banking corporation shall for any cause have its property and business taken possession of by the Commissioner at any time before such pledge or hypothecation shall have been actually foreclosed, a grace of thirty days after date of such taking possession shall be allowed in which such bank or the Commissioner shall be permitted to redeem such securities so hypothecated or pledged by the payment of the amount due as principal and interest on such indebtedness. No attorneys' fee shall be collectible on notes or other evidence of indebtedness executed by a State Bank in the hands of the Commissioner for liquidation, where such notes or other evidences of debt are placed with an attorney for collection within thirty days after such bank is taken over by the Commissioner for liquidation.

Provided, however, that nothing in this Act shall prevent any bank or bank and trust company from hypothecating or pledging, as collateral

for indebtedness to the Reconstruction Finance Corporation, its securities and assets in an amount greater than 50% in excess of the amount of such indebtedness.

Sec. 2. The fact that the Laws of Texas do not expressly provide for the pledge of securities to the Reconstruction Finance Corporation in excess of the amount set out in the above and foregoing Statute, and the crowded condition of the calendar, create an emergency and a public necessity requiring that the Constitutional Rule requiring bills be read on three several days be suspended, and that this bill have effect from and after its passage, and it is so enacted.

By Purl, Woodward. S. B. No. 1.

A BILL

To Be Entitled

An Act amending Article 517 of the Revised Civil Statutes of the State of Texas as set out in the Acts of 1927, Fortieth Legislature, regulating the pledging of securities by State banking corporations and permitting them to pledge such securities to the Reconstruction Finance Corporation.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 517 of the Revised Civil Statutes of the State of Texas, as set out in the Acts of 1927, Fortieth Legislature, be and the same is hereby amended so as to read as follows:

"Article 517. Pledge of securities. —It shall be unlawful for any bank or bank and trust company to hypothecate or pledge as collateral its securities to an amount greater than fifty per cent in excess of the amount borrowed upon bills payable, certificates of deposit or otherwise, or for any banking corporation to issue and execute any notes, bills or other evidence of indebtedness secured, or to be secured by the pledge or hypothecation of any of its securities, which shall not contain a provision that in the event such banking corporation shall for any cause have its property and business taken possession of by the Commissioner at any time before such pledge or hypothecation shall have been actually foreclosed, a grace of thirty days after date of such taking possession shall be al-

lowed in which such bank or the Commissioner shall be permitted to redeem such securities so hypothecated or pledged by the payment of the amount due as principal and interest on such indebtedness. No attorney's fees shall be collectible on notes or other evidence of indebtedness executed by a State Bank in the hands of the Commission for liquidation, where such notes or other evidence of debt are placed with an attorney for collection within thirty days after such bank is taken over by the Commissioner for liquidation.

This Act shall not apply to the hypothecation or pledge of securities by any State bank or bank and trust company on loans from the Reconstruction Finance Corporation to said Bank, but all such pledges of securities shall be valid and enforceable.

Sec. 2. The fact that the Laws of Texas do not expressly provide for the pledge of securities to the Reconstruction Finance Corporation in excess of the amount set out in the above and foregoing Statute, and the crowded condition of the calendar, create an emergency and a public necessity requiring that the Constitutional Rule requiring that bills be read on three several days be suspended, and that this bill have effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Aug. 31, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 2, A bill to be entitled "An Act amending Article 515 of the Revised Civil Statutes of the State of Texas, limiting the indebtedness of State banking corporations, but permitting same to borrow in excess of this amount from the Reconstruction Finance Corporation."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

RUSSEK, Chairman.

By Purl, Woodward. S. B. No. 2.

A BILL

To Be Entitled

An Act amending Article 515 of the Revised Civil Statutes of the State

of Texas, limiting the indebtedness of state banking corporations, but permitting same to borrow in excess of this amount from the Reconstruction Finance Corporation; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 515 of the Revised Civil Statutes of the State of Texas of 1925 be and the same is hereby amended so as to read as follows:

"Art. 515. Limitation of indebtedness.—No State banking corporation shall at any time be indebted or in any way liable to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

1. Moneys deposited with or collected by it;
2. Bills of exchange or drafts drawn against money actually on deposit to the credit of the corporation or due thereto;
3. Liabilities to the stockholders of the association for dividends and reserve profits;
4. Liabilities incurred under the provisions of the Federal Reserve Act;
5. Liabilities incurred under the provisions of the Federal "Agricultural Credits Act of 1923."
6. Liabilities incurred under the provisions of the Federal "Reconstruction Finance Corporation Act";
7. This article shall not apply to any guaranty executed by any bank and trust company whose demand deposits are not in excess of its interest bearing deposits, provided such company is not a member of a Federal Reserve bank.

8. Upon a written permit obtained from the Commissioner, any bank may borrow a sum not in excess of its unimpaired surplus in addition to its capital stock.

Sec. 2. The fact that the Laws of Texas do not expressly provide for loans from the Reconstruction Finance Corporation to State banking corporations in excess of the amount above set out, and the crowded condition of the calendar, create an emergency and a public necessity requiring that the Constitutional Rule

requiring that bills be read on three several days be suspended, and that this bill have effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Sept. 1, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 3, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all State, county, special, school district, road district, levee improvement district, and irrigation district taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, delinquent up to and including October 20, 1932, providing said taxes are paid on or before January 31, 1932: declaring a State policy and the existence of a public calamity; suspending all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the attached committee substitute do pass in lieu thereof, and that it be not printed.

MOORE, Chairman.

By DeBerry, Rawlings, O'Neal, Berkeley, Hornsby, Moore, Patton, Neal, Thomson, Hardin, Purl, Stevenson, Poage, Parrish, Woodward, Small, Gainer, Martin, Loy, Beck, Russek, Pollard, Cunningham.

A BILL

To Be Entitled

An Act for the purpose of releasing the interest and penalties on all State, County, Special, School District, Road District, Levee Improvement District, and Irrigation District taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, providing said taxes are

paid on or before December 31, 1932; suspending all laws and parts of laws in conflict herewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all interest and penalties that have accrued or that may accrue on or before December 31, 1932, on all State, County, Special School, School District, Road District, Levee Improvement District, and Irrigation District taxes and taxes of other defined subdivisions of the State, other than incorporated cities and towns, shall be, and the same are hereby released, provided said taxes are paid on or before December 31, 1932.

Sec. 2. All laws and parts of laws in conflict herewith are hereby expressly suspended during the term of this Act so far as they may affect this Act.

Sec. 3. The fact that millions of dollars in taxes are now due and have been due to the State and its subdivisions for many years past by people who would be most willing to pay and meet their obligations to the State Government if the unreasonable costs and penalties and interest were omitted, creates an emergency and an imperative public necessity demanding that the Constitutional Rule which requires all bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall be in force and take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Sept. 1, 1932.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 1, A bill to be entitled "An Act making appropriation of the sum of fifty thousand dollars (\$50,000.00), or so much thereof as may be necessary, out of the general revenues, to pay the per diem and mileage of members, the per diem of officers and employees and the contingent expenses of the Third Called Session of the Forty-second Legislature of the State of Texas convened on the 30th day of August, 1932, by proclamation of the Governor; to supplement the like appro-

priation of the Regular Session, First and Second Called Sessions of said Legislature; to pay any unpaid vouchers or warrants held by members, officers or employees of the Regular Session, First and Second Called Sessions of said Legislature; to pay any unpaid claims and accounts of members, officers or employees of said sessions or of other persons, authorized either by the Senate or the House of Representatives; to pay any and all sums for whatever purpose authorized to be expended by concurrent resolution of the Forty-second Legislature at its Regular Session, First and Second Called Sessions; to pay the per diem of members, officers or employees for pre-session and post-session work of the Third Called Session of said Forty-second Legislature; providing how accounts may be approved and audited, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

HARDIN, Vice-Chairman.

By Sanders.

H. B. No. 1.

A BILL
To Be Entitled

An Act making an appropriation of the sum of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary, out of the General Revenues, to pay the per diem and mileage of members, the per diem of officers and employees and the contingent expenses of the 3rd Called Session of the 42nd Legislature of the State of Texas convened on the 30th day of August, 1932, by proclamation of the Governor; to supplement the like appropriation of the Regular Session, 1st and 2nd Called Sessions of said Legislature; to pay any unpaid vouchers or warrants held by members, officers or employees of the Regular Session, 1st and 2nd Called Sessions of said Legislature; to pay any unpaid claims and accounts of members, officers or employees of said Sessions or of other persons, authorized either by the Senate or the House of Representatives; to pay any and all

sums for whatever purpose authorized to be expended by concurrent resolution of the 42nd Legislature at its Regular Session, 1st and 2nd Called Sessions; to pay the per diem of members, officers or employees for pre-session and post-session work of the 3rd Called Session of said 42nd Legislature; providing how accounts may be approved and audited, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of Fifty Thousand Dollars (\$50,000.00), or so much thereof as may be necessary, is hereby appropriated out of the General Revenue to pay the per diem and mileage of members, to pay the per diem of officers and employees and to pay the contingent expenses of the 3rd Called Session of the 42nd Legislature of the State of Texas, convened by proclamation of the Governor on the 30th day of August, 1932, to supplement the like appropriation contained in the General and Special Laws of Texas, passed at the Regular Session of the 42nd Legislature; to pay any unpaid vouchers or warrants held by members, officers or employees of the Regular Session, 1st and 2nd Called Sessions of the 42nd Legislature or any unpaid claims and accounts authorized by either the Senate or the House of Representatives of said Legislature at its Regular Session, 1st and 2nd Called Sessions, to pay any and all sums for whatever purpose authorized to be expended by concurrent resolution of said Legislature at its regular Session, 1st and 2nd Called Sessions; and to pay the per diem of members, officers and employees for pre-session and post-session work of the 3rd Called Session of the 42nd Legislature of the State of Texas.

Sec. 2. That the certificate of the Secretary of the Senate, approved by the President thereof, or the Chief Clerk of the House of Representatives, approved by the Speaker thereof, shall be sufficient and the only evidence to the Comptroller upon which he shall audit the claims for the mileage and per diem of the members and the salaries and per diem of the officers and employees of the 3rd Called Session of the 42nd

Legislature and it shall be their duty, exclusively, to issue the necessary warrants for the same upon the Treasury of the State of Texas for the respective amounts.

Sec. 3. That the certificate of the Chairman of the Committee on Contingent Expense of the Senate, approved by the President of the Senate, or of the Chairman of the Committee on Contingent Expenses of the House of Representatives, approved by the Speaker of the House, as the case may be, shall be sufficient authority to authorize the Comptroller to issue warrants upon the Treasury of the State of Texas for the payment of accounts for contingent expenses herein provided to be paid.

Sec. 4. The fact that the 3rd Called Session of the 42nd Legislature of the State of Texas is now in session, and public policy requires that the appropriation made by this Act shall be made immediately available, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

FOURTH DAY.

Senate Chamber,
Austin, Texas,
September 2, 1932.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parrish.
Berkeley.	Patton.
Cunningham.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Absent.

Cousins.

Absent—Excused.

Greer.
Hopkins.

Pollard.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Williamson:

S. B. No. 13, A bill to be entitled "An Act to amend Article 577, of the Code of Criminal Procedure of the State of Texas, 1925, which provides that the district or county attorney may, by permission of the court, dismiss a criminal action upon filing a written statement with the papers in the case and setting out his reasons for such dismissal, which shall be incorporated in the judgment of dismissal and which provides that no case shall be dismissed without the consent of the presiding judge, so as to provide that the presiding judge, may, on his own motion, dismiss cases, and requiring him to set out his reason for such dismissal in the judgment of dismissal; and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Williamson:

S. B. No. 14, A bill to be entitled "An Act amending Article 7343 Revised Civil Statutes of Texas, 1925, by providing a fee to the Clerk for the issuance of each citation and a fee to the Sheriff or Constable for the service of each citation; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator Williamson:

S. B. No. 15, A bill to be entitled "An Act amending Article 1973 of the Revised Civil Statutes of 1925, which provides that each Clerk shall keep a file docket showing the number of the suit, the names of the attorneys, the names of the parties to the suit and the object thereof, and all subsequent proceedings had in the